

**United States District Court  
Southern District of Houston**

**Case No:**

**Maurice Symonette  
Plaintiff**

**Vs**

**City of North Miami  
Sea Tow Towing  
John Quirino of Quirino Construction  
City of North Miami (Police Department,  
Code Enforcement and Zoning  
Defendant(s) ).**

**COMPLAINT**

**Discrimination and Distraction of home and Illegal Yacht Sinking  
and Theft under Color of Law**

- 1) first cause of action: Violation of the 1964 discrimination act**
- 2) Second Cause of Action: Violation of FL Statue 823.11**
- 3) Third Cause of Action: Violation of The City of North Miami Ordinance 10-19**
- 4) Fourth Cause of Action: Violation of FL Statue 705.101.6**
- 5) Fifth Cause of Action: Violation of FL Statue 760.51**
- 6) Sixth Cause of Action: Violation of FL. Statute 705.101.3**
- 7) Seventh Cause of Action: Violation of City of North Miami municode Sec.5-602.-Dock of The City of North Miami Code**
- 8) Eighth Cause of Action: Violation of FL Statue 705.103.2b**
- 9) Ninth Cause of action: Violation of the 14<sup>th</sup> Amendment you cannot take a Persons Life, Liberty or Property without Due Process of Law**
- 10) Tenth cause of action:Violation of Bankruptcy**

## **Jury Trial Requested**

## **Demand Claim of Relief**

We are requesting relief and damages for the above causes of action because the City of North Miami never obtained title to the Yacht.

Please see **Lozman Fane versus the City of Riviera Beach** to show that this City at least had a Court Order to auction the boat and then destroy it in which the City bought the boat at Auction. This was not the case with Mr. Symonette's Yacht. Without a Court Order his Yacht was destroyed.

Wherefore Plaintiff Maurice Symonette, as owner of the Yacht **Victory** claim monetary damages against the Defendants in an amount that exceeds the jurisdiction of the District Court of Florida in the amount of 6,000,000 dollars for pain and suffering, discrimination and damages to be settled by a Trial Jury, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

## **Parties and Jurisdiction**

Maurice Symonette is Sui Juris and a resident of Sugar Land Texas. He resides at 4711 LJ UNIT 4208 Parkway Sugar Land Texas, 77479

Defendants operate businesses or have positions as Government Officials or Police Officers in North Miami.

City of North Miami Mayor Dr. Smith Joseph  
City of North Miami City Manager Larry Spring  
City of North Miami City Attorney Jeff H. Cazeau  
Address for City of North Miami 1776 NE 125 Street North Miami, FL 33161

City of North Miami Chief of Police  
Address for City of North Miami Police Department  
1776 NE 125 Street North Miami, FL 33161

John Quirinio of Quirinio Construction  
1987 NE 119<sup>th</sup> Road Miami, FL 33181

Sea Tow Towing  
1050 NW 54<sup>th</sup> Street Fort Lauderdale, FL33309

## Introduction

Now comes Maurice Symonette, owner of the **Yacht Victory** to sue **The City of North Miami, City Manager Larry Spring, City Attorney Jeff H. Cazeau, Sea Tow Towing, John Quirino of Quirino Construction** for the illegal seizure of his Yacht named **Victory** on May 17, 2016 from 1977 NE 119<sup>th</sup> Road, North Miami, FL 33181. According to the City of North Miami ordinances they were supposed to get a court order from the Court Magistrate in order to seize the Yacht which they never did. According to the City of North Miami Ordinance 10-19. They were suppose to only Fine him \$250.00 dollars a day as per their illegal order Exhibit .

In addition, Florida Statue 823.11 and Florida Statue 827.01 states they were supposed to give him 60 days to remove the Yacht. The City of North Miami removed the Yacht within 3 weeks even after the Police informed Maurice Symonette that he had until that Wednesday to remove the Yacht. The City of North Miami Police came the day before that after we literally got the Yacht up and Floating and we were moving the Tuesday May 17, 2016 to seize the Yacht wherein they were supposed to come the following day Wednesday May 18, 2016. The Tuesday arrival date that was stated by the Police Officer in CHARGE of the Seizure of the Yacht. (Video available on Gods2.com) Seventy Five, thousand dollars of Tax Payers dollars have been wasted to illegally Seize and Tow Mr. Symonette's Yacht. We have prepared a Timeline of Events for this Lawsuit ([See Exhibit A – Timeline of Events with Exhibits and Video proof](#) on Gods2.com #8A).

Currently I am suing the City of North Miami and on an official compacity under the 8.3 damage claims against Cities and Counties under Section 1983, and under 42 U.S.C. § 1983 more specifically and The 8.3.D. municipal Liability for employees Sued in official capacities. Generally a, governmental agency can only act through its employees. Unless they are acting as renegades in violation of agency policy, these employees are merely implementing the entity's custom, policy, and practice. If the result of these actions is a deprivation of federal rights, both the employee and the agency can be sued. As discussed early in this chapter, while an employee may be able to invoke qualified immunity so long as the contours of the federal right were not clearly established, the governmental employer has no such defense.

A government employee can be sued in his or her personal or official capacity, or both, the distinction being the person or entity that the plaintiff is ultimately holding responsible. The Supreme Court has stated: Personal-capacity suits seek to impose personal liability upon a government official for actions he takes under color of state law.. official-capacity suits, in contrast, generally represent only another way of pleading an action against an entity of which an officer is an agent.

So if there is any question, I am sueing under a official capacity and I am Sueing the City of North Miami as a Municipality not under personal compacity. The City of Miami Police Dept. was used to allow the City to pull off with my property away from my home without my consent I had no way of stopping them because the police would not allow me to stop them they would not even allow me to step back on the boat at the time they took it, I was ordered not to enter my boat while the City was taking it away, and I still had 2 days left to get the boat up you can hear the police officer speaking because it was on a Monday that he spoke he said I have two days Left see it on youtube.com-search – unlawful boat Seize or (gods2.com, press 10.A then exhibit #10 the City Manager Larry Spring, his Attorney Jeff H. Cazeau and the police Department is responsible for this action, and I had to stand and watch them take my yacht without a court order or showing any paperwork from the City at all, as was with the (Lozman v. The City Of Riviera Beach) case the town Authourities had to get a court order under maritime law to seize the vessel and tow it back to Miami, they could not Just take his boat they had get an Court order see: FANE LOZMAN, PETITIONER v. THE CITY OF RIVERA BEACH, FLORIDA (on writ of certiorari to the united states court of Appeals for the eleventh court) No. 11-626 (see exhibit D3 sec.II . and in that case the City also destroyed his House boat as was done to mine but Lozman prevailed because he later won in the supreme court. And to add salt to the wound of my boat getting towed without any kind of court order we went to a hearing a some days later in the City hall that was held on May 26, 2016 concerning this incidence and I wanted to know why they took my boat the way that they did and they (the City Manager, attorneys for the City and more City Commissioners) admitted that they destroyed my boat, again, without a court order! see City of North Miami Beach Hold the hearing concerning this on youtube type in “ Gods2.com press 10.A then exhibit#18 video ” defendants went overboard in breaking (expression) the law and although Symonette legally owned the boat and patiently waited for justice to be served as he is seeking now plaintiff was treated as a man with no rights at all and in a country where we are supposed to be counted innocent until proven guilty Maurice Symonette was treated the opposite way as if he was guilty from the start, Maurice is Sui Juris with rights and should be treated as such, he had already proved that he is the owner of the boat so what gave the City of North Miami the right to destroy someone elses property? Why didn’t the City Of North Miami Just leave the boat there at my property after it was floating and retie the ropes and all I would have had to do was get new pumps and everything would have been back to normal except for some fines I would have had to pay but the City of North Miami saw where they could make some money out of this they took My boat Illegally and destroyed it

And sold the aluminum that the boat was made of all done without showing documented proof of what they did to my boat, Why did other citizens before this case that was similar to this case have to suffer getting their boat destroyed by the City and had to suffer and fight all the way to the supreme court? This City is trying to make this matter seem far more complicated than it is the City obviously was in the wrong taking plaintiffs yacht without a court order and then destroying it with no explanation to the owner no receipt from where it was destroyed when they (The City of North Mia.) have been through similar cases like this as was stated above and lost, as in (Hoefling v. City of Miami) and the (Lozman v. The City Of Riviera Beach) case they have developed a policy of taking other peoples boats and destroying them, first on August 20<sup>th</sup> ,2010 while out of town Mr. Hoefling received a call from a friend ‘notifying him that the police were taking boats” and in fact, on his return, he discovered that his own sail boat had been unlawfully seized. “Second Mr. Hoefling alleged that “local mariners” told him that he was independantly aware, that others have fallen victim to similar conduct as a result of the Citys and the marine patrol officers failure to adhere to law and appropriate procedures regarding the investigation and destruction of potentialy derelict vessels” And third, Mr. Hoefling alleged that the City refers to this systematic round up and destruction of ugly boats in its waters” as a “clean up” program. Based on these allegations, Mr. Hoejling alleged that the City had a Policy, custom and/or practice” of “ failing to abide by the state laws, regulation, and procedures governing the investigation and ...removal of derelict vessels located in state waters, “ Furthermore, he alleged that the defendants did “not follow established law and procedures intended to safeguard against the unlawful destruction of private property, instead choosing to remove and destroy his property without due process.

Sueing the City and its officers in an official capacity is the appropriate thing to do it is not illegal and it has been done with success already see (Hoefling v. City of Miami ) United States Court of appeals for the m11th Cir. 811 F.3d 1217 on page 2 at 1274, says “in August of 2010, however, City of Miami marine patrol officers seized the sailboat and had it destroyed. According to Mr. Hoefling who Sued the City and its officers under 42 U.S.C.§ 1983, federal maritime law, they did so unlawfully , without justification and without notice” and they owe him a Judgment back of \$195.000.00, we see here proof that it can be done, the City and its officers can be sued on a official capacity at the same time if its legal then it must be the appropriate and right because the ruling in the Hoefling case proves that what he did was legal and proper, Hoefling used it legally under the 42 U.S.C.§ 1983 code and won his case and his case is very similar to ours as is the Lozman’s case which was also won in the Supreme Court of The United States.

**FIRST CAUSE OF ACTION: VIOLATION OF THE 1964  
DISCRIMINATION ACT AND FL STATUTE 775-085. HATE CRIME  
LAW**

The City of North Miami violated the **1964 Discrimination Act** by violating Mr. Symonette's constitutional rights in the form of threats, intimidation and coercion from **John Quirino of Quirino Construction, City Manager Larry Spring, City of North Miami Police Department and Sea Tow.** Mr. Quirino who also said to Mr Symonette that "Niggers cannot own Yachts, that they will sink black owned Yachts to take them". Mr. Quirino and his wife called Mr. Symonette to his face a "Nigger" and said they wanted to blow up his house for having a Yacht and being here, I have a right to live a decent life as I please without being called a nigger they should pay for calling me a nigger see (People v. Mackenzie) No. H011813 decided may 9, 1995 the 6<sup>th</sup> district court of California Judgment against Mckenzie for calling neighbors niggers they should pay a \$5000.00 fine.The City of North Miami Police Department, and the City of North Miami City Manager Larry Spring said that MY NEIGHBOR Quirino Ordered him to remove my Yacht, so with the Approval of City Attorney Jeff H Cazeau by way of Police intimidation and coercion illegally seized Mr. Symonette's Yacht. The above also committed a Hate Crime against Mr. Symonette, according to **FL Statue 775-085. Because I am a Black Man and a Black Conservative who on Radio and TV that I was going to get a Loan on my Yacht and Finance the Black Republicans to help Republicans win and Finance our VET. Event called the AGA Awards with the City of MIAMI and the MILITARY with Lt. Col Colmenares the Homeless Veterans Foundation of the City of Miami, to finance their yearly Stand Down to help VET. needs, Wounded VETS. and to House Homeless VETS. And our moto is all People Latin, Black and White must Unite See AmericanGala.com. But right after the announcement I GOT A STRANGE CALL SAYING LET'S SEE IF YOUR SUNKEN YAHT CAN GET YOU THAT LOAN NOW! Then next I got a call from the Police that my Yacht was lisping and sinking in my back yard. We looked in the back yard and we saw someone who looked like Mr. Quirino's Son run out of my back yard to Mr. Quirino's**

**HOUSE NEXT DOOR.** We ran to the back to try to stop the Yacht from Sinking but couldn't stop it. Then the Police came and then the Coast Guard came a little later and discovered that the brand new Yacht water pumps were all Disabled by disconnecting the batteries and electricity power with a Diver later and all the ropes were CUT to Deliberately make the Yacht slip away from the Dock and sink away from the Dock but because the water was shallow the Yacht only sunk the first floor of the four story yacht and did not fully sink just hit the Dirt with two and a half stories still above water. The Ropes were not popped from water weight they were knife CUT. I had the rope tied to the dock in a way that if the Yacht sank it would lean towards the house and Dock so that the Yacht could easily be pumped out and refloated as taught to me by Yacht Captain Bill because this happened to me before as lesson well learned. That's why the water pumps were all new and there was no Oil in the engines or on the floor as haven been thoroughly cleaned and was waiting to install a new stove and second of two Entertainment Generators. Now before and since the LAW SUITE was filed I Symonette was threatened by Mr. Quirino's Son and Guys at their home keep taking pictures of me like the MOB USING HAND ACROSS THE THROAT gestures as threats on my LIFE! Wow it look likes they're going to get away with this Racism theft one the guys said you negros can't win dude the Courts are rigged against Blacks and rode off laughing. I have now noticed that it's never WHITE GENTILES that are the Racist, it's always these EAST INDIANS, PAKISTANIS, ARABS & CANAANITES acting like White Gentiles but are not Gentiles, like Sicilians of Sicily acting like Italian White Gentiles but are really Red Dot in the Head East Indian Gypsies Ware Wolves in Sheep Clothing (looking like Gentiles but are not) these are always the actual Racist and act out Racism on Black People and White Gentiles, See that Gentiles are not Canaanites on Gods2.com # 12. I have noticed this every time that the Courts have allowed them to get away with this Racism and Theft even with real witnesses the Courts just disregards them like non humans or Sheep led to Slaughter with no rights, even if seen on Video and they just take our property and lively hood like the ware wolves they are and hold themselves not Guilty using the Courts to actually Cannibalise us, Zachariah 11:5. You must repent because the LORD YAHWEH will not at all Acquit the Wicked you will be revealed on TV, Nahum 1:3 and 2Thessalonians 2:1-11! REPENT or you and your FAMILY will be CURSED to the Body and Soul Destruction of HELL! I have Warned you this will be like Days of Noah (they didn't REPENT and Died or like JONAH the RULERS REPENTED & LIVED). Just know that Cyrus is here

**and Michael is with him the two Brethren the Jew and the Gentiles which is the whole body of CHRIST 1Corenthisans 12:12-13. And we're coming for YOU this we Swear!!! And if we lose GOD will burn the Whole World (you), so it won't matter anyway!**

The same parties also caused Mr. Symonette great emotional distress by inflicting negligent and intentional distress by illegally seizing his Yacht because he was going to refinance his Yacht to raise money for the homeless Vets at a charity concert. Intentional wrong doing and violation of civil rights were committed by all of the above mentioned parties.

(jurisdictions have a separate tort or delict of "verbal injury", "intentional infliction of emotional distress", "outrageousness", or "convicium"), involving the making of a statement, even if truthful, intended to harm the claimant out of malice; In addition, A City of North Miami Police Officer told Mr. Symonette he had until Wednesday to move the Yacht before the City came back. Once Mr. Symonette got a crane for \$3,000 to lift the Yacht on Monday Sea Tow moved in and seized the Yacht, 2 days before the deadline. Please see Police Officer saying Mr Symonette had until Wednesday to move the Yacht. (Go to Youtube.com - Search - Unlawful Boat Seize -12:06 or Gods2.com 8A #2 – Police Officer speaking.) John Quirino of Quirno Constuction and his wife made racist remarks and called Maurice a nigger, City Manager Larry Spring, Jeff H. Cazeau and through his influence, intimidation and coercion illegally caused the seizer of Mr. symonettes Yacht which also caused Sea Tow with gun and arrest power of the North Miami Police to Tow and Destroy the Yacht. and paid \$74,450.00 then got the money off the Yacht and now want us to pay the \$74.450.00 back for the illegal Tow, the tow was illegal too because their was no Court order to take the boat so sea tow is at fault also I am asking for Sea Tow to repay Double the amount (\$74,450.00) that the City of North Miami say that they paid to Sea Tow, (see gods2.com press10.A then exhibit #17 video), also that Maurice Symonette was Discriminated against, the City violated his constitutional rights concerning to the first cause of action.

#### **SECOND CAUSE OF ACTION: VIOLATION OF FL. STATUE 823.11**

The City of North Miami violated the statue because the Yacht was not an abandoned and derelict vessel and it did not block the public navigable waterway. We have communicated with the 3 Agencies that the City of North Miami called to the scene to investigate. They are Fish and Wildlife, The US Coast Guard and Dade County Investigative Unit DERM and neither felt it was necessary to write up a report that the Yacht was a public or environmental hazard. Therefore none of these Agencies

ordered the Yacht to be removed. For this cause we are asking for Relief and Damages.( See exhibit A2) has two reports 1. Coast Guaed Report and DERM Report.

**823.11 Derelict vessels; relocation or removal; penalty.—**

(1) As used in this section, the term:

(a) "Commission" means the Fish and Wildlife Conservation Commission.

(b) "Derelict vessel" means a vessel, as defined in s. 327.02, that is left, stored, or abandoned:

1. In a wrecked, junked, or substantially dismantled condition upon any public waters of this state.

2. At a port in this state without the consent of the agency having jurisdiction thereof.

3. Docked, grounded, or beached upon the property of another without the consent of the owner of the property.

This Yacht was not an environmental hazard, did not have a hole in it and did not block a public waterway and was not in navigable waters. This was all confirmed by The US Coast Guard, Dade County Investigative Unit DERM and the Department of Fish and Wildlife because no one made a report to this effect because the Yacht was tied to a private dock and not considered a public hazard.

The City of North Miami therefore violated their own ordinances by illegally seizing Mr. Symonette's Yacht. This cause of action is one of the reasons we are seeking relief and damages in this matter.( See both Exbs. A2 ) See City of North Miami Beach Hold the hearing concerning this on youtube type in "short on Gods2.com #8A-16". That boat was made of aluminum and worth at least \$300.000.00 in scrap metal If they sold it to a scrap metal company they are supposed to reveal that information to me in which they have not, and all this information and proof of what was said and done is on the videos that were mentioned above if the City made Money even on the Aluminum it should belong to the owner because they took the boat illegally and a yacht that was worth \$2,000.000.00 on the appraisal plaintiff is asking for treble in damages

for his suffering and emotional strain, plaintiff was going to sell the boat and use the proceeds toward a show for the veterans and to bring people in to help get jobs for veterans with all this done against Maurice Symonette from the begining by forcefully taking the boat without a court order and then destroying owners boat without his permission with no receipt of where they took it to be destroyed or having no receipt that they paid to SeaTow to get it illegally towed

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URL <https://youtu.be/2kjcd76dly>.

**THIRD CAUSE OF ACTION: VIOLATION OF THE CITY OF NORTH MIAMI ORDINANCE 10-19**

**The City of North Miami violated this Ordinance because they used this ordinance to illegally seize Mr. Symonette's Yacht.** However, this Ordinance and Violation notice only states he can be fined up to \$250.00 a day. (See Exhibit B). A Court Order was never received by Mr. Symonette to give the City of North Miami the authorization to legally remove the Yacht. This clearly shows Mr.Symonette's rights were violated as a resident of North Miami. This Ordinance also states that the City of North Miami can help refloat the Yacht and then only put a lien on the property.

Instead of putting a Lien on the property as even suggested by the Mayor and other City Commissioners at the Commissioners Hearing on May 26th, **City Manager Springer chose to illegally seize his Yacht. (Hearing Video available)** The Ordinance also states they can only take a sunken Yacht if the Yacht sunk in public waters and was blocking the public waterway. The Yacht was not sunken only tilted in the water. It was also not in public waters or blocking the navigable waterway. (video available) This was definitely not the case because the Yacht was tied to a private dock and not blocking the public waterway. This clearly shows Mr. Symonette's rights were violated as a resident of North Miami and American Citizen.

**FOURTH CAUSE OF ACTION: VIOLATION OF FL STATUE 705.101.6**

The City of North Miami violated this statue because Mr. Symonette had the right to

claim his property within 60 days once the property was seized. He was never given this opportunity. **FL STATUE 705.101.6**

**FL Statute 705.101.6** states: (6) "Unclaimed evidence" means any tangible personal property, including cash, not included within the definition of "contraband article," as provided in s. 932.701(2), which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained by the law enforcement agency or the clerk of the county or circuit court for 60 days after the final disposition of the proceeding and to which no claim of ownership has been made. C). For this cause of action we are claiming relief and damages.

Mr. Symonette should have been given up to 60 days to get a sunken Yacht up and removed. But Mr. Symonette was only given 3 weeks to get the Yacht up and off the property before it was seized by the City of North Miami. A court Order was never received nor the Yacht sold at an auction. According to the City of North Miami Ordinance a Court Order is required to seize someone's property. See Lozman vs City of Riviera section II of the District Court's opinion that states that they used proper procedure Court although Mr. Lozman ultimately won the case. See below. (from actual case)

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## II

"At the outset we consider one threshold matter. The District Court ordered the floating home sold to satisfy the City's judgment. The City bought the home at public auction and subsequently had it destroyed. And, after the parties filed their merits briefs, we ordered further briefing on the question of mootness in light of the home's destruction. 567 U. S. (2012). The parties now have pointed out that, prior to the home's sale, the District Court ordered the City to post a \$25,000 bond "to secure Mr. Lozman's value in the vessel." 1 Record, Doc. 20, p. 2. The bond ensures that Lozman can obtain monetary relief if he ultimately prevails. We consequently agree with the parties that the case is not moot". A Claim of ownership was made by Mr. Symonette immediately after the Yacht was seized. (See Exhibit C and). For this cause of action we are claiming relief and damages in treble the amount in the amount of \$6,000.000.00 million.

**The City of North Miami is responsible is also responsible for the seizure and destruction of Symonetts yacht, which in turn makes City Manager Larry Spring and his attorney Jeff A. Cazeau responsible.**

**FIFTH CAUSE OF ACTION: VIOLATION OF FL STATUE 760.51**

The City of North Miami violated the statue because violations of Mr. Symonette's constitutional rights were committed in the form of threats, intimidation and coercion from John Quirino of Quirino Construction, City Manager Larry Spring, City of North Miami Police Department and Sea Tow and Westland Towing. Mr. Quirino also said to Mr Symonette that "Niggers cannot own Yachts, that they sink black owned Yachts to take them". Mr. Quirino and his wife called Mr. Symonette to his face a "Nigger" and said they wanted to blow up his house for having a Yacht. The City of North Miami Police Department, the City of North Miami City Manager Larry Spring with the Approval of City Attorney Jeff H Cazeau by way of intimidation and coercion illegally seized Mr. Symonette's Yacht. The above also committed a Hate Crime against Mr. Symonette according to FL Statute 775.085.

The same parties also caused Mr. Symonette great emotional distress by inflicting negligent and intentional distress by illegally seizing his Yacht because he was going to refinance his Yacht to raise money for the homeless Vets at a charity concert. Intentional wrong doing and violation of civil rights was committed by all of the above mentioned parties. Jurisdictions have a separate tort or delict of "verbal injury", "intentional infliction of emotional distress", "outrageousness", or "convicium", involving the making of a statement, even if truthful, intended to harm the claimant out of malice; In addition, A City of North Miami Police Officer told Mr. Symonette he had until Wendsday to move the Yacht before the City came back. Once Mr. Symonette got a crane for \$3,000 to lift the Yacht on Monday Sea Tow moved in and seized the Yacht, 2 days before the deadline. Please see Police Officer saying Mr. Symonette had until Wednesday to move the Yacht. (Go to Youtube.com - Search - Unlawful Boat Seize -12:06 – Police Officer speaking.). This Yacht is worth 2 million dollars. (See Exhibit C- Appraisal) Mr. Symonette believes that someone associated with the City of North Miami might have caused the Yacht to be tilted by cutting the ropes tied to it. He also believes this because of the illegal way the Yacht has been seized. Furthermore, City Manager Larry Spring refused to give him information on how to get the Yacht back or where it is located or the salvage records.

A civil penalty can be brought forth by the Attorney General by bringing forth a civil action for the violation of Mr. Symonette's rights. See more details of this Florida Statute below.

- (1) Whenever any person, whether or not acting under color of law, interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights secured by the State Constitution or laws of this state, the Attorney General may bring a civil or administrative action for damages, and for injunctive or other appropriate relief for violations of the rights secured. Any damages recovered under this section shall accrue to the injured person. The civil action shall be brought in the name of the state and may be brought on behalf of the injured person. The Attorney General is entitled to an award of reasonable attorney's fees and costs if the Department of Legal Affairs prevails in an action brought under this section.
- (2) Any person who interferes by threats, intimidation, or coercion, or attempts to interfere by threats, intimidation, or coercion, with the exercise or enjoyment by any other person of rights secured by the State Constitution or laws of this state is liable for a civil penalty of not more than \$10,000 for each violation. This penalty may be recovered in any action brought under this section by the Attorney General. A civil penalty so collected shall accrue to the state and shall be deposited as received into the General Revenue Fund unallocated.

Some jurisdictions have a separate tort or delict of "verbal injury", "intentional infliction of emotional distress", "outrageousness", or "convicium", involving the making of a statement, even if truthful, intended to harm the claimant out of malice; In addition, A City of North Miami Police Officer told Mr. Symonette he had until Wednesday to move the Yacht before the City came back. Once Mr. Symonette got a crane for 3,000 to lift the Yacht on Monday Sea Tow moved in and seized the Yacht, 2 days before the deadline. Please see Police Officer saying Mr. Symonette had until Wednesday to move the Yacht. (Go to

[Youtube.com - Search - Unlawful Boat Seize -12:06 – Police Officer speaking near end of video\).](#)

In addition, there were several other violations that the City accused Mr. Symonette of that was incorrect.

The sections under City Code 10-19 to 22 under **Junk Vehicles/Property does not**

apply to Mr. Symonette's Yacht.seeon Gods2.com ---#8A and #8A-16 & 17 see Exb. D

The first paragraph refers to abandoned, derelict or junk property. Mr. Symonette's Yacht does not fit this description. (Video available). Go to Youtube.com - Search - Unlawful Boat Seize -12:06 to show proof of illegal seizure and value of Mr. Symonette's Yacht. (See exb. D)

Section 1) The Yacht has a value of 2 million dollars which is more than nominal salvage value. ( See Exhibit C- Survey/Appraisal of Value of Yacht)

Section 2) Does not apply to Mr. Symonette's Yacht as he was able to get a crane to lift it out

of the water

Section 3) Does not apply to Mr. Symonette's Yacht because it was not on public property but But it was on Mr.Symonette's property without legislative authorization.

Section 4) The Yacht did not exhibit physical damage other than the ropes were cut by someone that caused the Yacht to tilt in the water. The Tow Companies were not the ones that got the Yacht up but billed The City of North Miami for the job anyway.

Section 5) The Yacht was put in an upright manner after Mr. Symonette got a crane to lift it out move it. The City of North Miami Police told him they would give him until Wednesday to move it. Instead, they came that Tuesday once he got it upright. The Tow Companies could not get the Yacht upright but seized it soon as Mr. Symonette got it upright. The City y North Miami came the day before on a Tuesday when he got it upright. The City of North Miami Police told him he had until Wednesday to get the boat ( Video available to show Police saying that) (See also Timeline of Events, Exhibit A.). Section 6)since this Yacht was at a private home dock this section does not apply Sea Tow told Mr. Symonette they would charge up to 8-13 thousand to lift the Yacht. The City Manager Larry Spring said it would cost 74,750 dollars to pay Sea Tow to get the Yacht. This is a major discrepancy in price. He also stated that if the \$74,750 dollars is not paid he will destroy the Yacht.

However, after Mr. Symonette attended a City of North Miami hearing about the Yacht the City Manager said he would meet with Mr. Symonette to make arrangements for him to pay the \$74,750 dollars to get his Yacht back. The Mayor and most of the City Commission was startled that this situation even happened and encouraged the City Manager to meet with Mr. Symonette for him to get his Yacht

back. (Video available from this hearing.) However, when Mr. Symonette met with the City Manager the next day he was told the Yacht was destroyed to Mr. Symonette's surprise. Even if the Yacht was destroyed aluminum material it is made out of is worth \$ 300,000 thousand dollars for a profit for personal gain. Where are the Salvage Records and where was the Yacht destroyed?

Mr. Symonette even presented bankruptcy paperwork to the City to show the Yacht was in Bankruptcy at the time but it was totally disregarded see exhibit# I Pages 1-7. An official order from a Judge to remove the Yacht and to destroy it was never received. Meeting information from City of North Miami Commission Hearing on May 26, 2016

The City Attorney kept quoting and stating incorrect things about the situation. Mr. Symonette feels he was doing this on purpose to cover up he and the City Manager's wrong doing. He stated the Yacht was in public waters which gave them the right to bypass the 60 day time frame to be able to remove the Yacht According to FL. Statue 705.101.6. (DERM, The US Coast Guard and Fish and Wildlife did not confirm this statement and is the reason they did not get involved in the matter. The City manager is held responsible for the yacht being towed.

#### SIXTH CAUSE OF ACTION: VIOLATION OF FL. STATUE 705.101.3

This statue describes abandoned property as no identifiable owner (3) "Abandoned property" means all tangible personal property that does not have an identifiable owner and that has been disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11.

This was not the case with Mr. Symonette because all parties involved knew he was the rightful owner. The Law states that Mr. Symonette's Yacht can be retained by a Law Enforcement Agency or by the courts on court order only when no claim of ownership is made. Clearly the City Manager and City Attorney knew this was his Yacht and he never received a court order.

The City of North Miami City Manger Larry Spring knew Mr. Symonette was the owner of the Yacht so it was never abandoned. The Yacht was also operable as it floated away when it was seized by The Towing Companies with The City of North Miami Police looking on. (Video available)

**SEVENTH CAUSE OF ACTION: VIOLATION OF CITY OF NORTH MIAMI MUNICODE SEC.5-602.-DOCK OF THE CITY OF NORTH MIAMI CODE.**

The City of North violated his rights with this code. Go to [www2.municode.com](http://www2.municode.com) then search Sec.5-602.-Dock of The City of North Miami Code to see the code reference as to the allowed footage when using a private dock. A Yacht tied to a private dock is allowed 25 feet. Mr. Symonette's Yacht occupied about 22 feet off his dock. This clearly shows the Yacht cannot be considered in a Public Waterway or in Navigational waters as the City Manager and City Attorney were stating unethically in the Council meeting. Video is -----available on [Gods2.com](http://Gods2.com) press 10.A then exhibit #17 to show their comments. The City Attorney backed up the City Manager by stating the Yacht is a derelict boat and was submerged under water, see exhibits E & F, Video is available to show the Yacht is not a derelict boat and it was tilted and not submerged under water. In fact the Yacht is worth 2 million even tilted in the water, See Exhibit C. City Manager Larry Spring agreed to meet with Mr. Symonette the next day in the City Council meeting on May 26, 2016 to discuss how to pay the \$75,000 dollars supposedly that the City paid to the Tow Company to tow my Yacht away, on [Gods2.com](http://Gods2.com) #8A-16 Westbrook Towing. Instead, Larry Spring told Mr. Symonette he destroyed the Yacht after 2 days, on [Gods2.com](http://Gods2.com) #8A-17 The Tow Company said it was the City Manager Larry Spring that made the decision to destroy his Yacht the same day they towed it also with the authorization from the City Attorney Jeff H. Cazeau. But while testifying before the MAYOR and the City Commissioners at the City's Town Hall meeting lied and told the Commisioners that if I Paid \$75,000.00 I could get my Yacht back and told Mr. Symonette to meet him the next day I could make the arrangements to pay and get my Yacht back, on [Gods2.com](http://Gods2.com) 10.A then exhibit #17 But when I got there the City Manager Larry Spring told me that the Yacht was already Destroyed. Note the ALLUMINUM of which the Yacht was made of was worth \$300,000.00 alone according to the 74 ft. length, 19.6 Breadth, 8.4 ft. Depth, 61.00 weight tonnage and with the Construction and General Arrangement is all Aluminum the weight of the Aluminum valued at \$300,000.00 not counting Engine Metal Weight. So they Stole my Yacht with the Cities Tax Money, Destroyed my Yacht and and split the \$300,000.00 in Aluminum or sold the Yacht for 2 Million Dollars WHAT A WINDFALL theft, See Exhibit C PAGE 2. Wow that's EVIL! So we see here That Attorney Jeff H. Cazeau along with City Manger Larry spring is responsible for authorizing the said Sea Tow company to tow my boat and then authorizing my boat to get destroyed unknowing to Mr. Symonette and still until this very day they still would not let symonette know the name of the company that destroyed his yacht

**EIGHTH CAUSE OF ACTION: VIOLATION OF FL STATUE 705.103.2B**

The City of North Miami violated this statue because to destroy an abandoned boat without first obtaining title is a crime because Florida is a Title State. See <http://m.myfwc.com/boating/waterway/derelict-vessels/claims-process-faqs/> that reference Florida being a Title State. In addition, I was supposed to be given 90 days to get my Yacht back according to FL Statue 705.103.2b Title to lost or abandoned property.—(1) Title to lost or abandoned property is hereby vested in the finder upon the expiration of the 90-day custodial time period specified in s. 705.103(2)(b), provided the notice requirements of s. 705.103 have been met, unless the rightful owner or a lien holder claims the property within that time.

Mr. Symonette was never given that opportunity to claim his property within 90 days according to the above Florida Statue because the City Manager said the Yacht was destroyed. 9Video is available showing The City Manager stating this). All of this was approved by the City Attorney. id not obtain title before the Yacht was destroyed.

#### 1) Violation of Due Process of Law gave notice for the hearing

We got no Notice of a Magistrate hearing that happened one day after Symonette's Yacht Sank which they admit they never told us about see Gods2.com 8A # 18 Mr Symonette even presented bankruptcy paperwork to Officer Mirjah to show the Yacht was in Bankruptcy at the time it was being seized but it was totally disregarded see exb.# G An official order from a Judge to remove the Yacht was never done or received.

#### NINTH CAUSE OF ACTION: VIOLATION OF THE 14<sup>TH</sup> AMENDMENT YOU CANNOT TAKE A PERSONS LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW.

The City of North Miami violated this Amendment because they took Mr. Symonette's Property without following due process of Law they were supposed to have a court hearing first then get an order from the court to take possession of the yacht, we got no Notice of a Magistrate hearing that happened one day after Symonette's Yacht Sank which they admit they never told us about see Gods2.com 8A # 18 none of this was done first the City of North Miami violated his life, liberty and property Mr symonette was treated as though he had no

**Leagal rights.** Mr. Symonette legally owned the boat and patiently waited for justice to be served as he is seeking now plaintiff was treated as a man with no rights at all and in a country where we are supposed to be counted innocent until proven guilty Maurice Symonette was treated the opposite way as if he was guilty from the start, Maurice is Sui Juris with rights and should be treated as such, he had already proved that he is the owner of the boat so what gave the City of North Miami the right to destroy someone elses property? City manager Larry Spring is responsible for for maurice not being notified about the hearing that was held a day after the boat sank and **larry Spring and his Attorney were responsible** for no due process of law being carried out for this case.

#### **TENTH CAUSE OF ACTION : VIOLATION OF BANKRUPTCY**

**U.S.C. 362 (a)(1)(2)(3)(4)(5)(6)(7)(8)**

Part owner of the said Yacht Kurt Marin had filed bankruptcy during the time of the yacht sinking all bankruptcy documents were shown to police (officer Mirjah) and the City of North Miami but the Police and the City of North Miami ignored the Bankruptcy and just ran over it as if part owner Kurt Marin never filed, plaintiff needs to be compensated for them not honoring the bankruptcy because bankruptcy stops any and all actions. The Police and Larry Spring is Responsible for not taking notice of the bankruptcy and stopping all actions of against The yacht. See exhibit# G

#### **ELEVENTH CAUSE OF ACTION: R.I.C.O**

#### **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**

18 USCA §§ 1961-1968 (A) (B) © (D)

this whole case Falls under the category of **[R.I.C.O.] which stands for Racketeer Influenced and Corrupt Organizations a law designed to** attack organized criminal activity and preserve marketplace integrity by investigating, controlling, and prosecuting those who participate or conspire to participate in racketeering, Enacted in 1970, the federal racketeer Influenced and Corrupt Organizations Act (RICO) applies only to activity involving interstate and foreign commerce . 18 USCA

§§1961-1968 . Since then, many states have adopted laws (sometimes called "little RICO acts) based on the Federal Statute. The Federal and most state RICO acts provide for enforcement not only by Criminal prosecution but also by Civil lawsuit, in which the plaintiff can sue for treble damages] as written from the blacks Law Dictionary 7<sup>th</sup> Edition.

This case falls clearly under the category of R.I.C.O. the way it was transacted from the beginning to the latter part, I feel like I have been robbed, so I am bringing R.I.C.O. charges against The City of North Miami Beach. R.I.C.O. also includes theft of property, they ordered that my property be taken, in which being my yacht, without any order from the Judge under the orders of City manager Larry Spring and his attorney Jeff H. Cazeau in which they had no authority to take the place of the Court which should have given the order for the boat to be towed and then the city manger and his same attorney ordered that the boat be destroyed without the owners permission in which they never stated how much they made off my boat getting destroyed, I myself know from a friend that worked at a junk yard that crushed metal and he's seen my boat before it was taken by the City of Miami and since my boat was totally made of aluminum that's its worth at least \$300,000.00 just for the aluminum, I have been robbed under illegal circumstances in a way that is improper for the City of North Miami to operate, by them operating in such a manner is the same manner as racketeering, examples of racketeering activity include extortion, money laundering, loan sharking, obstruction of justice and bribery. The R.I.C.O. Act became U.S. law in 1970, permitting law enforcement to charge individuals or groups with Racketeering. In my case its under the definition of Obstruction of Justice And theft my property was stolen, and I say stolen because it was taken without the proper authority from the Judge sold to a place that only the City knows about, again, without me the owner giving them the permission to sell or get rid of my property without my permission, never bring back any receipts to where they took it I don't know where they took it or how much money they got from it the whole situation has turn into an Illegal cover-up and theft of property and obstruction of Justice. The City of Miami Beach is governed by a commission-Manager system of local goverment that combines the political leadership of elected officials in the form of a mayor and commission, with the managerial experience of an appointed City Manager. In a commission\_Manager government, commissioners are the leaders and policy makers in the community elected to represent the various segment of the community

and to concentrate on policy issues that are responsive to citizens needs and wishes. The manager is appointed by the commission to carry out policy and ensure that the entire community is being served. The City of North Miami beach is governed by an elected mayor and six-member city Commission who are responsible for carrying out any lawful purpose for the advancement of the interest, welfare health, morals comfort, safety and convenience of the city and its inhabitants as outlined in the City Charter.

In my situaton the City of North Miami are Not acting like they are for the people, to administer Justice and equity for the people, they are acting like a bunch of money grubbing theives and the last thing on their minds is Justice so I am asking for treble in damages, that is three times the amount of my boat which is \$6,000.000.00, City Manager Larry Spring Jr. And Attorney Jeff H. Cazeau are responsible for this.

Filed by:

  
Maurice Symonette

Date: 1/24/19

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786-859-9421

Defendants will be served at and mailed copies to:

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City of North Miami City Manager Larry Spring  
City of North Miami City Attorney Jeff H. Cazeau  
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City of North Miami Chief of Police  
Address for City of North Miami Police Department  
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